



**CITY OF SUNNYVALE
REPORT
Planning Commission**

February 13, 2006

SUBJECT:	2005-1159 – Justin Mozart [Applicant] Joe Torres [Owner]: Application for related proposals on a 12,900 square-foot site located at 444 South Taaffe Street (near W Olive Ave) in a DSP-12 (Downtown Specific Plan/Block 12) Zoning District. (APN: 209-28-050) JM;
Motion	Special Development Permit to allow the construction of four new single-family homes,
Motion	Tentative Map to subdivide one lot into four lots.

REPORT IN BRIEF

Existing Site Conditions

Surrounding Land Uses

North	Single Family Residential
South	Single Family Residential
East	Single Family Residential
West	Across Taaffe, Commercial

Issues	Setbacks
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Environmental Status	A Class 32 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.
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Staff Recommendation Approve with Conditions

PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Downtown Specific Plan, Block 12	Same	Downtown Specific Plan, Block 12
Zoning District	DSP	Same	DSP
Lot Size (s.f.)	12,900	Same	10,890 min.
Gross Floor Area (s.f.)	Unknown	7,370	---
Lot Coverage (%)	Unknown	35%	60% max.
Floor Area Ratio (FAR)	Unknown	56.85	---
No. of Units	N/A	4	4 max.
Density (units/acre)	N/A	4	4.2 max.
Meets 75% min?	N/A	Yes	3 min.
Bedrooms/Unit	N/A	Plan 1 – 3 Plan 2 – 3 Plan 3 – 3(4) Plan 4 – 4	---
Unit Sizes (s.f.)	N/A	Plan 1 – 1,292 Plan 2 – 1,373 Plan 3 – 1,469 Plan 4 – 1,573	---
No. Buildings on Site	1	4	---
Distance between Buildings (ft.)	N/A	9 - 10	10
Building Height (ft.)	Unknown	23'6" - 24'2"	30 max.
No. of Stories	1	2	2 max.
Setbacks (First & Second Facing Property)			
Front	Unknown	13 - 15	18 min.
Left Side	Unknown	4	4 min.
Right Side	Unknown	5	4 min.
Rear	Unknown	13'6"	20 min.
Landscaping (sq. ft.)			

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
Total Landscaping	Unknown	9,028	2,580 min.
Landscaping/Unit		2,257	645 min.
Usable Open Space/Unit	Unknown	545 – 727.5	500 min.
Parking			
Total Spaces	Unknown	14	8 min.
Standard Spaces	Unknown	6	4 min.
Covered Spaces	Unknown	8	4 min.
Aisle Width (ft.)	Unknown	18	18 min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS

Description of Proposed Project

Development of 4 single family homes on separate parcels with one centralized driveway with a shared easement.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing / Decision	Date
2002-0612	Update the Downtown Specific Plan	City Council / Approved	10/14/2003
1993-	Develop Downtown Specific Plan	City Council / Approved	7/13/1993
1970-0123	Use Permit to develop medical offices	Planning Commission / Approved	7/13/1970

Environmental Review

A Class 32 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 32 Categorical Exemptions includes in-fill development projects that are consistent with the General Plan, less than 5 acres, have no determined

habitat value, have all utilities available, and result in no significant traffic, air, water or noise impacts.

Special Development Permit

Site Layout: The existing site would be subdivided into four separate lots with four detached single family homes. Three of the lots would be served by a shared driveway. Transportation staff noted that having only one entrance/exit onto the street would be preferable to minimize the number of access routes to Taaffe Street. This was a similar concern during the 1993 review of the surrounding sites, which were ultimately approved by Council.

Staff discussed the possibility of having only one driveway for all 4 lots in order to decrease the number of access routes to Taaffe. However, the applicant indicated an intent to maintain the similar layout to the surrounding units.

Stormwater Management: Based on the amount of resulting impervious surface (less than 10,000 sq. ft.), the project does not trigger mechanical stormwater management Best Management Practice (BMP) requirements. However, the Code does call for the installation of some type of secondary BMPs. Staff has discussed pervious pavers to address stormwater BMPs. Trash pick-up is on Taaffe, so frequent loading from large solid waste vehicles is not a concern with regard to impact on pavers.

Easements: This project requires a 10' PUE along the Taaffe St. frontage consistent with adjoining developments. Each parcel shall function independently in terms of site access, parking space requirements, utility service lines, etc. Easements shall be established for cross-parcel functions (e.g., cross-parcel drainage easements, access easements, etc.) The applicant has indicated the intent to file an easement for the shared driveway, instead of developing a Home Owner's Association.

Undergrounding: Undergrounding is required on the site as per Sunnyvale Municipal Code Section 19.38.090.

Architecture: The proposed California Mediterranean style matches the architecture of the surrounding residential properties. When the neighboring properties were approved in 1993, staff had sought a more bungalow-style look in this part of the City to match the neighborhood aesthetic and provide a more historic appearance. While staff raised this option, the applicant stressed an interest in maintaining a more uniform look that conforms to the neighboring properties.

The City's maximum standards for small lot developments include a maximum Floor Area Ratio (FAR) of 50% (see Attachment G). During the April 1993

public hearing, the surrounding 28 residential development lots were approved for a 56% FAR by Council. This project proposes an FAR of 56.85%. The permitted lot coverage in this block is 60%.

Landscaping: The site currently has 8 trees located on the property, including 6 protected heritage trees. Protected trees are those that measure 38 inches or greater in circumference when measured at four feet from the ground. The plans for this project are to remove all of the existing trees and to replace 3 large species and 3 medium species trees. The City Arborist finds that these reasons are adequate because the layout of the proposed layout does not allow for any of the protected trees to be preserved (see Attachment H for Arborist Report).

The remaining landscaping includes grass and shrubs that are consistent with the neighboring residences.

Parking/Circulation: DSP only requires 1 covered & 1 uncovered as a minimum. The applicant has stated that for each dwelling unit, the proposed site layout provides 2 covered and at least one uncovered. The area allows for what may practically serve as two uncovered parking spaces for each lot. Staff calculates available parking spaces for the proposed development differently as uncovered spaces must have adequate backing distance to be considered as parking spaces. The Downtown Specific Plan requires 1 covered and 1 uncovered for each of the units (2 covered is also considered to be adequate). The proposed garages are sub-standard in size, though this is a deviation that may be considered by the Planning Commission.

Compliance with Development Standards/Guidelines: Block 12 of the DSP is targeted for Low-Medium density developments. In standard R-2 lots, there is a 45% FAR trigger that requires the designs to be reviewed and approved by the Planning Commission. The standard FAR requirement for small lot developments is 50% FAR. However, the permitted lot coverage in this block is 60%.

The 2003 DSP defines maximum allowable density by block, rather than individual site. While the project meets the comparable density for the subject site, the project exceeds the allowable density for the block. However, there is an existing apartment at the end of the block that is a legal nonconforming use. When the apartment site is redeveloped, it will be required to meet the current density requirements, which would bring the entire block back into conformity with the allowable density.

A front yard setback of 18 feet is required; however, only 15 feet is proposed for unit 1. Similarly, a 20 foot rear setback is required by Code and a setback of only 13.5 feet is proposed for unit 3.

Expected Impact on the Surroundings: Staff finds the project to be compatible with the surrounding residential neighborhood. It meets the Downtown Specific Plan goal of Low Medium Density Residential for the area (Block 12)

Tentative Map

Description of Tentative Map: Division of existing lot into four private ownership lots with one common driveway that will be shared through an easement agreement, instead of a Home Owners Association (HOA). This is consistent with the surrounding residences which were not required to establish and do not have an HOA.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected. This project does not trigger Transportation Impact Fees, but it is subject to Park In-Lieu Fees.

Public Contact

The subject site is located in the Heritage District Neighborhood Association area, which was also noticed for the public hearing.

The applicant informed staff of their intent to hold a neighborhood meeting for the project. Staff did not attend the meeting and did not receive feedback on the outcome.

Four outside agencies responded to the standard noticing on this project, including the Santa Clara County Roads and Airports Department, Valley Transportation Authority (VTA), the Santa Clara Valley Water District, and Comcast. All three stated no comments or concerns with the proposed project.

An email was received by a neighbor urging the project design and architecture to match the existing homes (see Attachment F for communication).

Planning Commission Study Session: Comments from Planning Commissioners included conformity with surrounding properties, deviations from Code requirements, front door locations, landscaping, and the potential to incorporate architecture with a more historical appearance.

There as a question regarding whether or not basements would be allowed. They could be included and would not count in the FAR, provided it met the SMC requirement of not being higher than two feet above grade. The basement

would also need to meet Building Code requirements, such as providing a light well as an emergency escape; it is doubtful the currently proposed design would allow for the building requirements to be met, given the smaller lot sizes.

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 84 notices mailed to the property owners and residents within 300 ft. of the project site.	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Discussion: The proposed project is an in-fill type project, completing the design features and layout already established along the street. The project completes the Downtown Specific Plan goal of Low Medium Density Residential for area (Block 12).

Staff strongly encourages the use of permeable pavers for the shared driveway to address current Best Management Practice (BMP) requirements for stormwater management, requirements which had not been established when the surrounding residential projects were approved. The implementation of the BMPs also helps address concerns for the modifications the future homeowners may make regarding installation of impervious surfaces in their yards. The SMC only restricts the coverage of the front yard area with impervious surfaces to 50% for single family residences, and does not place restrictions on the side or rear yards. Were the future homeowners to completely pave their side and rear yards, the amount of impervious surfaces may trigger the stormwater management requirements not currently imposed on this project.

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Special Development Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Approve the Special Development Permit and Tentative Map with attached conditions.
2. Approve the Special Development Permit and Tentative Map with modified conditions.
3. Do not approve the Special Development Permit and Tentative Map.

Recommendation

Alternative 1.

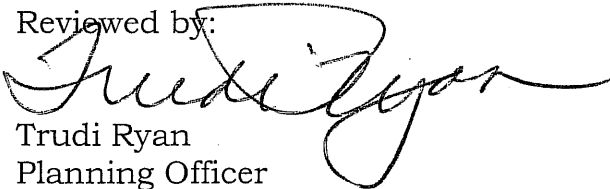
Prepared by:


Jamie McLeod
Project Planner

Reviewed by:


Gerri Caruso
Principal Planner

Reviewed by:


Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Tentative Map
- E. Letter from the Applicant
- F. Letters from Other Interested Parties
- G. Maximum Standards for Small Lot Development
- H. Arborist Report

Recommended Findings - Special Development Permit

Goals and Policies that relate to this project are:

City-Wide Design Guidelines.

Site Design A1. *New Projects shall be compatible with their surrounding development in intensity, setbacks, building forms, material, color, and landscaping.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale [Finding made]. The proposed project increases the housing units in the City, provides additional home ownership opportunities, and meets the intent of the DSP Block 12.
2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties [Finding made]. The proposed project is similar to the surrounding development, which was approved by the City Council in 1993. The proposed designs are similar in design, layout, color, texture, and style.

Recommended Findings - Tentative Map

In order to approve the Tentative Map, the proposed subdivision must be consistent with the general plan. Staff finds that the Tentative Map is in conformance with the General Plan. However, if any of the following findings can be made, the Tentative Map shall be denied. Staff was not able to make any of the following findings and recommends approval of the Tentative Map.

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.

5. That the design of the subdivision or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code

Staff was not able to make any of the findings (B.1-8), and recommends approval of the Tentative Map.

Recommended Conditions of Approval - Special Development Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- B. The Conditions of Approval shall be reproduced on the first page of the plans submitted for a Building permit for this project.
- C. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- D. To address storm water runoff pollution prevention requirements, an Impervious Surface Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.
- E. Obtain other municipal permits as necessary, including Building Permits prior to any demolition, grading or construction on the site.
- F. Install new sidewalks per City standards.
- G. Upgrade driveways to new city standard.

2. ACCESSORY LIVING UNIT

- A. The units shall not be permitted to have an Accessory Living Unit unless approved through a separate Special Development Permit.

3. COMMERCIAL USE

- A. No commercial use shall be allowed on the site other than uses approved through the City's Home Occupation or unless approved through a separate Special Development Permit.

4. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. Final exterior building materials and color scheme are subject to review and approval of the Planning Commission/Director of Community Development prior to issuance of a building permit.
- B. Roof material shall be 50-year dimensional composition shingle, or as approved by the Director of Community Development.

5. FEES

- A. Pay School Impact Fee to the School District prior to issuance of a Building Permit. (SMC 19.22)

6. FENCES

- A. Design and location of any proposed fencing and/or walls are subject to the review and approval by the Director of Community Development.
- B. Any side yard fence between the building and the public right-of-way shall not exceed three feet in height.
- C. For front yard fences in residential areas, open decorative type fences, such as picket, post and rail are preferred.
- D. Chain link and barbed wire fences are not allowed in residential areas.
- E. Install and maintain a 6 foot solid wood “good neighbor” fence, measured from the highest adjoining grade, of a design approved by the Director of Community Development along the north, south and east property lines. (Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed.)
- F. Only fences, hedges and shrubs or other natural objects 3 feet or less in height may be located within a Vision Triangle.

7. LANDSCAPING

- A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy.
- B. Decorative impervious paving as required by the Director of Community Development to for the shared driveways.
- C. Provide separate meter for domestic and irrigation water systems.
- D. The landscape plan shall including street trees and shall be submitted and approved per the City Arborist.

- E. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- F. Prepare a landscape maintenance plan subject for review and approval by the Director of Community Development
- G. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees are to be native species. Trees shall be maintained using standard arboriculture practices.
- H. Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
- I. At the expense of the subdivider, City staff shall install required street trees of a species determined by the Public Works Department. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.38.070) prior to issuance of a Building Permit.
- J. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- K. All areas not required for parking, driveways or structures shall be landscaped.

8. TREE PRESERVATION

- A. Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan for the existing street trees, and any trees on neighboring properties that may be impacted by the construction, from the Director of Community Development. Two copies are required to be submitted for approval.
- B. The tree protection plan shall be installed prior to issuance of any Building Permits, subject to the on-site inspection and approval by the City Arborist.
- C. The tree protection plan shall remain in place for the duration of construction.
- D. The tree protection plan shall include measures noted in Sunnyvale Municipal Code Section 19.94.120 and at a minimum:
 - 1. Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.

- E. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.

9. LIGHTING

- A. Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for approval by the Director of Community Development. Driveway and parking area lights shall include the following:
- B. Sodium vapor (of illumination with an equivalent energy savings).
- C. Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project near residential uses.
- D. Provide photocells for on/off control of all security and area lights.
- E. All exterior security lights shall be equipped with vandal resistant covers.
- F. Wall packs shall not extend above the roof of the building.
- G. Lights shall have shields to prevent glare onto adjacent residential properties.
- H. Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development. The plan shall meet the specifications noted in the Standard Development Requirements.
- I. If light poles used for exterior lighting, height of poles may not exceed 8 feet.

10. PARKING

- A. Garage spaces shall be maintained at all times so as to allow parking of two automobiles.

11. TENTATIVE MAP CONDITIONS

- A. Full development fees shall be paid for each project parcel or lot shown on Parcel Map and the fees shall be calculated in accordance with City Resolutions current at the time of payment.
- B. Comply with all applicable code requirements as noted in the Standard Development Requirements, for the Parcel Map.
- C. Pay Park In-lieu fees estimated at \$40,837.52, prior to approval of the Final Map or Parcel Map. (SMC 18.10)

RIGHT-OF-WAY IMPROVEMENTS

- D. Obtain a Development Permit from the Department of Public Works for improvements.
- E. Curbs, gutters, sidewalks, streets, utilities, traffic control signs, electroliers (underground wiring) shall be designed, constructed and/or installed in accordance with City standards prior to occupancy. Plans shall be approved by then Department of Public Works.

UNDERGROUND UTILITIES

- F. All proposed utilities shall be undergrounded.
- G. Applicant shall provide a copy of an agreement with affected utility companies for undergrounding of existing overhead utilities which are on-site or within adjoining rights-of-way prior to issuance of a Building Permit or a deposit in an amount sufficient to cover the cost of undergrounding shall be made with the City.
- H. If any additional poles are proposed to be added, developer shall have PG&E submit the preliminary plan to Public Works Department for review. City Council shall make the decision if any additional poles are acceptable or not. Under no circumstances shall additional poles be permitted along the frontage of this development.
- I. Install conduits along frontage for Cable TV, electrical and telephone lines in accordance with standards required by utility companies, prior to occupancy. Submit conduit plan to Planning Division prior to issuance of a Building Permit.
- J. Conduit sizing and locations shall be included on street improvement plans. Submit one copy to the Planning Division.